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Amendment
Attorney Docket No. S63.2L-10389-US01

Remarks

This Amendment is in response to the Office Action dated June 15, 2004, wherein claims 20 and 21 were rejected under 35 U.S.C. §112, second paragraph; and claims 16-23 and 25-37 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. 6,231,598 to Berry et al (hereinafter Berry). In addition, to the above claims 1-15 were allowed and claim 24 was objected to as being dependent on a rejected base claim but would be allowable if rewritten in independent form.

The following comments are presented in the same order and with paragraph headings as in the Office Action.

Reissue Application

Applicants acknowledge the requirement of submitting the original patent, or a statement of loss or inaccessibility of the original patent before allowance of the current reissue Application. Submission of the original patent or a statement as to its loss or inaccessibility will be submitted upon a finding of allowability of the reissue claims.

Claim Rejections – 35 U.S.C §112

In the Office Action claims 20 and 21 were rejected under §112, second paragraph. More specifically the claims were rejected as having improper antecedent basis regarding the first and second circumferential bands, and the longitudinal connectors. As indicated above, claims 20 and 21 have been amended to more clearly describe the relationship between the elements recited.

Claim Rejections – 35 U.S.C. §102

In the Office Action claims 16-23 and 25-37 were rejected under §102(e) as being anticipated by Berry.

As indicated above however, independent claim 16 describes a stent having first serpentine circumferential bands of a first shape and second serpentine circumferential bands of a second shape different from the first shape, and wherein both the distal and proximal most openings of the stent are at least partially bounded by a first serpentine circumferential band and

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at least partially bounded by a second serpentine circumferential band.

This is in contrast to the stent 10 of Berry which includes distal most openings and proximal most openings that may be characterized as being bound by adjacent bands 14 having the same shape. An alternative characterization would have, the end most openings of Berry being completely bound by only a single band 14. In either case the stent 10 shown in Berry does not teach or suggest all of the elements of the instant claims recited above. As a result the rejection is respectfully overcome.

Allowable Subject Matter

Applicants acknowledge the allowance of claims 1-15.

Applicants further acknowledge the finding of allowable subject matter in instant claim 24 despite being objected to as being dependent on a rejected base claim. In light of the above however, Applicants believe that all of the instant claims are in condition for allowance.

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Conclusion

Based on at least the foregoing amendments and remarks, Applicants respectfully submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-37 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: August 24, 2004

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